

REMARKS

In order to promote administrative efficiency and better communication, the Examiner is invited to make suggestions at any time during the proceedings, on or off the record, via phone, fax or e-mail, whenever such suggestions are within the Examiner's discretion as an aid to placing the claims in order for allowance in a timely manner.

Oath/Declaration:

The Examiner states that the Oath or declaration in this application is defective, for claiming priority to an incorrectly referenced filing (the serial number is wrong), and for failing to identify the application by application number and filing date. Applicant informs the Examiner that the correct serial number of the priority document is 09/860,918. In addition, Applicant has executed a new oath or declaration, which is attached hereto as Annex A.

Specification:

The Examiner objected to the disclosure because the first paragraph of the specification under the title "Related Applications" is incomplete. Applicant therefore amends this paragraph as follows:

This application is a continuation-in-part of Ser. No. 10/043,423 / , (~~Attorney Case No. 25NP-PREC~~), filed on January 10 [], 2002 and entitled "Drive Shaft Coupling", which in turn claims priority from the provisional application Ser. No. 60/262,362 of that title filed on January 19, 2001. The present application also claims priority from provisional application Ser. No. 60/338,718 (~~Attorney Case No. 28-PREC~~) entitled "Tool Bit Drive Shaft Connection and Method" filed on November 6, 2001, the entire disclosure of which is expressly incorporated by reference herein and relied-upon, as is Ser. No. 10/059,232 / , (~~Attorney Case No. 20NP-PREC~~), filed concurrently herewith and entitled "Torque-Transmitting Coupling".

Claim Rejections 102(b) Rejection based on Steiner:

The Examiner rejected claims 1-3, 5, 6, 8, 9, and 11-13 under 35 U.S.C. §102(b) as being anticipated by Steiner et al (US Patent No. 5,499,984). Applicant has amended claims 1 and 11 to overcome this rejection by requiring that the fitting member (connector 320) be separate from the tubular member (305). This is clearly supported in the specification and further is not at all present in the cited prior art (Steiner's tube and fitting member are integral, comprising a single piece of material). It is therefore believed that the 102 rejection is overcome. Acknowledgement of this fact is respectfully requested. If the examiner would prefer other variations of the above limitation, or any other suggestion, Applicant is thankful for any input the Examiner may provide in a diligent effort to pass the pending claims on to allowance.

Allowable Subject Matter:

Applicant thanks the Examiner for his indication that claims 16 and 17 are allowed and that claims 4, 7, 10, 14 and 15 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant has rewritten claims 4, 7, 10, 14 and 15 as suggested by the Examiner. Applicant has also amended claim 1 to clearly distinguish the claim from the prior art, overcoming the 102 rejection. Therefore, it is believed that the Examiner may properly pass all pending claims on to allowance. Acknowledgement of this fact is respectfully requested.

§ § §

Conclusion

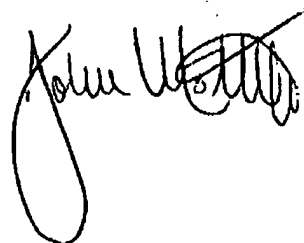
Applicant has made a diligent effort to advance the prosecution of this application by amending claims, and by pointing out herein with particularity how the claims now presented are patentably distinct from the prior art of record. Therefore,

10

Applicant respectfully submits that the claims, as amended, are now in condition for allowance. No new matter has been entered by this amendment. Any limitations to the claims are made solely for the purpose of expediting the prosecution of the application and, unless otherwise expressly stated, are not made to narrow, vis-à-vis the prior art, the scope of protection which any subsequently issuing patent might afford. Again, if the Examiner has further questions, he is invited to contact the undersigned at phone 011-4122-346-8744, fax at 011-4122-346-8960 (Geneva is 6 hours ahead of Eastern Std Time), or e-mail at moetteli@bugnion.ch.

Applicant petitions the Commissioner for an Extension of Time under 37 CFR §1.136 for a period of — month and the Undersigned authorizes the Commissioner to charge any fee or credit any overpayment of any fee under 37 CFR §1.16 and §1.17 which may be required in this application to the deposit account of BUGNION S.A., no. 50-0800.

Respectfully submitted,



John MOETTELI
U.S. Reg. No. 35,289

Date : October 14, 2004

Enclosure: replacement declaration and power of attorney (provided in last response)
Clean copy of amended paragraphs

CLEAN COPY OF AMENDED PARAGRAPH

This application is a continuation-in-part of Ser. No. 10/043,423, filed on January 10, 2002 and entitled "Drive Shaft Coupling", which in turn claims priority from the provisional application Ser. No. 60/262,362 of that title filed on January 19, 2001. The present application also claims priority from provisional application Ser. No. 60/338,718 entitled "Tool Bit Drive Shaft Connection and Method" filed on November 6, 2001, the entire disclosure of which is expressly incorporated by reference herein and relied-upon, as is Ser. No. 10/059,232, filed concurrently herewith and entitled "Torque-Transmitting Coupling".